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REMARKS

Claims 1-6, 8-14, 16-21 and 23-24 are currently pending in the present patent application. Reconsideration and allowance of the application is respectfully requested in view of the following remarks. Independent claims 1, 9 and 17 have been amended for pointing out the essence of the invention and for correcting clerical errors. Claims 7, 15 and 22 are canceled without prejudice made to Applicants.

Claim rejections – 35 USC §102

In paragraph 2 of his report, the Examiner rejected claims 1-2, 8-10, 16-18 and 24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,272,129 B1 (hereinafter called Dynarski).

The invention of claim 1 is a method for providing *packet data services of a second network* to a mobile station located in a first network. The method assigns access resources to the mobile station in an inter-working function of the first network. The method further establishes by the *inter-working function of a link to a packet data service node in the second network and negotiates via the inter-working function of a point-to-point protocol connection between the mobile station in the first network and the packet data service node in the second network*. Afterwards, the method provides by the packet data service node the *packet data services of the second network* to the mobile station via the inter-working function.

Dynarski refers to a method and an Interworking Unit (IWU) of a wireless network for automatically locating and connecting a mobile wireless communications device located in the wireless network to a packet-switched network such as an Internet Protocol (IP) network. The method locates the mobile wireless device following a reception of an IP packet received at a router linking the packet switched network to the IP network from a terminal on the IP network, destined to the wireless communications device located in the wireless network. When the wireless communications device receives a page, it then knows that the terminal on the IP network is trying to reach it. When the wireless

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communications device responds to the page, it initiates a connection with the IP network by virtue of an established PPP connection between the IWU, a mobile switching center and a base station in the wireless network for receiving the IP packet. When the PPP session between the wireless device and the IWU is established in the wireless network, the communication between the wireless device and the terminal may be accomplished and the mobile wireless communications device may receive the IP packet.

However, Dynarski does not disclose an inter-working that *establishes by the inter-working function of a link to a packet data service node in the second network*. The PPP connection of Dynarski is established within the wireless network (first network 40, Fig 1A) and is not *negotiates via the inter-working function of a PPP connection between the mobile station in the first network and the packet data service node in a second network as claimed*. For that reason, Dynarski cannot possibly describe a method for providing *packet data services of the second network* to the mobile station. Dynarski merely establishes communication between a wireless communications devices and a terminal.

Briefly, since Dynarski does not describe whole or parts of the claimed invention, Dynarski cannot anticipate the invention of claim 1. Independent claims 9 and 17 respectively describe a system and an Interworking function for executing the steps of the method of claim 1. Therefore, claims 9 and 17 are believed patentable for the same reasons provided in support of claim 1. Also, it can be appreciated that the claims 2, 8, 10, 16, 18 and 24, which depend directly or ultimately from claims 1, 9 and 17 while adding further limitations thereto, are believed patentable for the same reasons provided in support of independent claims 1, 9 and 17. For these reasons, Applicants kindly request withdrawal of the rejection.

Claim rejections – 35 USC §103

In paragraph 4 of the of his report, the Examiner rejected claims 6, 14 and 22 under 35 U.S.C. §103(a) as being unpatentable over Dynarski in view of in view of Illidge (US Publication 2002/0085514 A1).

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Illidge relates to a method of moving a call from a third-generation (3G) code division multiple access (CDMA) data session to a second-generation (2G) circuit switched data session. The CDMA communication system comprises a base station controller (BSC), a mobile station (MS) and at least one 2G BTS for providing an area of non-high-speed data coverage and at least one 3G BTS for providing an area of high-speed data coverage. The method switches a high-speed data packet data call to a non-high-speed data circuit switched data call, upon detecting that the mobile station is exiting an area of high speed data and entering an area of non-high speed data coverage in the CDMA communication systems. The method also switches a non-high-speed data circuit switched data call to a high-speed data packet data call, upon detecting that the mobile station is exiting an area of non-high speed data coverage and entering an area of high speed data in the CDMA communication systems. The method also switches a call from high-speed packet data service option to non-high-speed data circuit switched data when determining that the CDMA system is congested.

However, Illidge does not disclose an inter-working function as claimed. Illidge describes an Interworking Function (IWF), but the IWF of Illidge merely provides modulated data to a Public Switched Telephone Network (PSTN). For that reason, Illidge cannot teach a method for *establishing by an inter-working function a link to a packet data service node in the second network and negotiating via the inter-working function of a PPP connection between the mobile station in the first network and the packet data service node in the second network*. More precisely, Illidge does not teach a method for providing packet data services of a second network to a mobile station located in a first network. Illidge merely moves a call from second-generation network to a third generation network and vice versa when a mobile exits or enters an area.

Since, Dynarski and Illidge do not disclose whole or parts of the invention of claimed invention, the combination of Dynarski and Illidge cannot possibly render the invention of independent claims 1, 9 and 17. Furthermore, since claims 6, 14 and 22 depend directly or ultimately from claims 1, 9 and 17 while adding further limitations thereto, are believed patentable for the same reasons provided in support of independent claims 1, 9 and 17. For these reasons, Applicants kindly request withdrawal of the rejection.

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In paragraph 5 of his report, the Examiner rejected claims 7, 15 and 23 under 35 U.S.C. §103(a) as being unpatentable over Dynarski in view of in view of Abrol (US Publication 2002/0154627). Please note that claims 7, 15 and 23 have been canceled without prejudice made to Applicants.

Allowable subject matter

In paragraph 6 of his report, the Examiner mentioned that claims 3-5, 11-13 and 19-21 would be allowable if rewritten. Claims 3-5, 11-13 and 19-21 have not been amended, but they depend directly or ultimately from independent claims 1-2, 6, 8-10, 14, 16-18 while adding further limitations thereto. Consequently, claims 3-5, 11-13 and 19-21 are believed patentable for the same reasons provided in support of claims 1-2, 6, 8-10, 14, 16-18.

In view of the abovementioned remarks, Applicants respectfully request favourable action for all pending claims.

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CONCLUSION

In view of the foregoing, Applicants submit that the present patent application is now in condition for favourable action. Should the Examiner wish to further discuss the present response or patent application, the undersigned can be reached at (514) 345-7900 ext. 2596.

Respectfully submitted,

Date: Feb. 17, 2005

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